IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

TUESDAY, THE 23RD OCTOBER 2007 / 1ST KARTHIKA 1929

Bail Appl..No. 6405 of 2007()

[CRIME NO.290/2007 OF KATTOOR POLICE STATION]

: PETITIONER/3RD ACCUSED

JINENDRAPRASAD, AGED 45 YEARS,
KOPPULLYPPARAMBIL, KAKKATHURUTHY P.O.,
EDATHIRINJI VILLAGE, TRICHUR.

BY ADV. SRI.P.NARAYANAN

RESPONDENTS:

STATION HOUSE OFFICER,
KATTOOR POLICE STATION, TRICHUR, REP. BY
THE PUBLIC PROSECUTOR, HIGH COURT OF KERALA.

BY PUBLIC PROSECUTOR SRI.JAI GEORGE

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 23/10/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R.BASANT, J.

B.A.No.6405 of 2007

Dated this the 23rd day of October 2007

O R D E R

Application for anticipatory bail. There are altogether three accused persons. The petitioner is the second accused. The alleged incident took place on 7/10/2007. All the three accused persons are named in the F.I.R. The victim originally owed allegiance to the B.J.P. He has now allegedly shifted his loyalties to C.P.M. The accused persons belonging to B.J.P, on account of this political animosity, had allegedly attacked the victim with dangerous weapons like swords. Four incised injuries were suffered by the victim. Investigation is in progress. The petitioner was not available for arrest. He apprehends imminent arrest.

2. The learned counsel for the petitioner submits that the allegations are false and that the petitioner does not deserve to endure the trauma of undeserved arrest and detention.

3. The learned Public Prosecutor opposes the application. The allegations are serious. Injuries suffered are inflicted with dangerous weapons and are on vital parts of the

body. In any view of the matter, considering the nature and circumstances of the case, the petitioner is not entitled for the invocation of the extraordinary equitable discretion under Section 438 Cr.P.C, submits the learned Public Prosecutor.

4. Having considered all the relevant inputs, I find merit in the opposition by the learned Public Prosecutor. I am satisfied that there are no features in this case which would justify invocation of the extraordinary equitable discretion under Section 438 Cr.P.C. This is a fit case where the petitioner must appear before the investigating officer or the learned Magistrate having jurisdiction and then seek regular bail in the normal and ordinary course.

5. In the result, this petition is dismissed. Needless to say, if the petitioner surrenders before the investigating officer or the learned Magistrate and applies for bail, after giving sufficient prior notice to the Prosecutor in charge of the case, the learned Magistrate must proceed to pass appropriate orders on merits, in accordance with law and expeditiously.

(R.BASANT, JUDGE)

jsr // True Copy// PA to Judge

R.BASANT, J.

CRL.M.CNo.

ORDER

21ST DAY OF MAY2007